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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 30 2004

In re Application of:)
John Eric Arnold et al.)
For: AIRSPRING AND AIRSPRING)
RETAINER)
Serial No.: 10/009,696)
Filed: November 6, 2001)

Docket No. DN1999111USA
Confirmation No. 1392
Art Unit: 3683
Examiner: Xuan Lan T. Nguyen

OFFICE OF PETITIONS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
on June 24, 2004

Lois Gould
(Lois Gould)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**PETITION FOR REVIVAL OF AN UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 CFR 1.137 (b)**

The following is submitted in support of Applicants' Petition to Revive An Unintentionally Abandoned Application under 37 CFR 1.137(b);

1. This application became abandoned on April 14, 2004.
2. This petition is being filed within one year of the date of abandonment.
3. A Final Office Action was mailed on May 20, 2003, with a subsequent Advisory Action, mailed on July 29, 2003.
4. On August 6, 2003, a response under 37 CFR 1.113 was transmitted to the USPTO via facsimile to the appropriate telephone number provided in the Final Office Action. A confirmation sheet was received, indicating that the response had been successfully transmitted to the USPTO telephone number provided.
5. No response to the August 6, 2003 filing was ever received by Applicants from the Examiner. In early February 2004, the Examiner called to determine if Applicants had intended to abandon the application. The Examiner was informed of the August 6, 2003 filing and was told that the paper had not been matched with the file. Applicants were asked to resubmit the response. It was discovered at the same time, that in a second patent application, 10/069,301, a facsimile transmission sent to the same art unit, on July 15, 2003, was also not received by the Examiner in charge of that application, though, like in this present application, a confirmation sheet had been received by the applicants representative indicating a successfully transmission.

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6. On February 5, 2004, the proposed Amendment was resubmitted, via facsimile, to the USPTO.
7. On February 24, 2004, nineteen days after resubmission, Applicants contacted the Examiner and were told that the new facsimile transmission of the proposed Amendment under 37 CFR 1.113 had been received, but the application itself had not been forwarded to the Examiner for any action.
8. An Advisory Action was mailed on March 2, 2004, though, technically, the case was abandoned on November 21, 2003, six months following the Final Office Action.
9. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.
10. The required reply to the outstanding Final Rejection, dated August 6, 2003 is enclosed, the response including a Request for Continued Examination.
11. The Assistant Commissioner is authorized to charge the Petition fee under 37 CFR 1.17 in the amount of \$1,330.00 to Deposit Account No. 07-1725. The Assistant Commissioner is also authorized to charge any additional fees that may be required pursuant to 37 CFR. 1.17 and to credit any overpayment to Deposit Account No. 07-1725. A duplicate copy of this Petition is enclosed.

THE GOODYEAR TIRE & RUBBER COMPANY

Date: June 24, 2004 By: 
Name: Nancy T. Krawczyk
Title: Patent Attorney, Reg. No. 38,744

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